

Attorney's Docket 021123-0274441

RECEIVED
CENTRAL FAX CENTER

MAY 28 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

In re PATENT APPLICATION of:
BETTINA MOCKEL ET AL.

Confirmation No: 6847

Application No.: 09/715,035

Group Art Unit: 1652

Filed: November 20, 2000

Examiner: C. Fronda

Title: NOVEL NUCLEOTIDE SEQUENCES ENCODING THE PFKA GENE

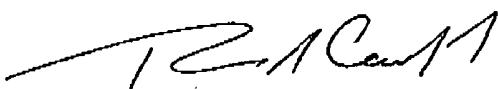
Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATION OF FACSIMILE TRANSMISSION
UNDER 37 C.F.R. §1.8

I hereby certify that the following papers (total 4 pages including this cover) are being facsimile transmitted to the Patent and Trademark Office at (703) 872-9306 on the date shown below:

Submission of Substitute Inventor Declaration and Power of Attorney.

PILLSBURY WINTHROP LLP



Thomas A. Cawley, Jr., Ph.D.
Reg. No. 40944

Date: May 28, 2004
P.O. Box 10500
McLean, VA 22102
Telephone: (703) 905-2000
Facsimile: (703) 905-2500

TAC:yiw

(Certification of Facsimile Transmission--page 1)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **RECEIVED**
CENTRAL FAX CENTER

In re Patent application of

MOCKEL et al.

Appln. No.: 09/715,035

Filed: November 20, 2000

Group Art Unit: 1652

Examiner: C. Fronda

Conf. No.: 6847

FOR: NOVEL NUCLEOTIDE SEQUENCES ENCODING THE PFK A GENE

MAY 28 2004

OFFICIAL

* * * * *

May 28, 2004

**SUBMISSION OF SUBSTITUTE INVENTOR DECLARATION
AND POWER OF ATTORNEY**

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a Substitute Inventor Declaration and Power of Attorney, which reflects a correction to a typographical error in the priority claim. Please substitute this Declaration for the one currently on file. The issue fee has not yet been paid.

Respectfully submitted,
PILLSBURY WINTHROP, LLP

By: 

Thomas A. Cawley, Jr., Ph.D.
Reg. No. 41,844
Tel. No.: (703) 905-2143
Fax No.: (703) 905-2500

PILLSBURY WINTHROP LLP
P.O. Box 10500
McLean, VA 22102
(703) 905-2000
TAC:ylw

30457730v1

+49 6181 594304 S.02

28-MAY-2004 13:38

DEGUSSA PATENTE

FOR UTILITY/DESIGN
CIP/PCT NATIONAL/PLANT
ORIGINAL/SUBSTITUTE/SUPPLEMENTAL
DECLARATIONSRULE 63 (37 C.F.R. 1.63)
DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATIONPM & S
FORM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the INVENTION ENTITLED
NOVEL NUCLEOTIDE SEQUENCES ENCODING THE PFKA GENE

the specification of which (CHECK applicable BOX(ES))

A. is attached hereto.
 B. was filed on November 20, 2000 as U.S. Application No. 09/715,035
 C. was filed as PCT International Application No. PCT/ on

and (if applicable to U.S. or PCT application) was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. Except as noted below, I hereby claim foreign priority benefits under 35 U.S.C. 119(e) or 365(c) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International Application which designated at least one other country than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International Application, filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application:

PRIOR FOREIGN APPLICATION(S)

Number	Country	Day/MONTH/Year Filed	Date first Laid-open or Published	Date Patented or Granted	Priority NOT Claimed
199 56 133.8	GERMANY	23 November 1999			
100 11 822.0	GERMANY	11 March 2000			

If more prior foreign applications, box at bottom and continue on attached page.
 Except as noted below, I hereby claim domestic priority benefit under 35 U.S.C. 119(e) or 120 and/or 365(c) of the indicated United States applications listed below and PCT International applications listed above or below and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of each such prior application and the national or PCT International filing date of this application:

PRIOR U.S. PROVISIONAL, NONPROVISIONAL AND/OR PCT APPLICATION(S)	Status	Priority NOT Claimed
Application No. (series code/serial no.)	Day/MONTH/Year Filed	pending, abandoned, patented

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint Pillsbury Madison & Sutro LLP, Intellectual Property Group, 1100 New York Avenue, N.W., Ninth Floor, East Tower, Washington, D.C. 20005-3918, telephone number (202) 661-3000 (to whom all communications are to be directed), and the below-named persons (of the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to delete names/numbers below of persons no longer with their firm and to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization whom/which first sends/calls this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct the above firm and/or a below attorney in writing to the contrary.

Paul N. Kokolis	16773	Paul E. White, Jr.	32011	Stephen C. Glazier	31361	William P. Atkins	38821
Raymond F. Lippitt	17519	Glenn J. Perry	28458	Ruth N. Morduch	31044	Paul L. Sherer	36004
G. Lloyd Knight	17698	Kendrew H. Colton	30368	Richard H. Zaltsman	27248	Robin L. Teskin	35030
Kevin E. Joyce	20508	G. Paul Edgett	24236	Roger R. Wise	31204		
George M. Skiba	18221	Lynn E. Eccleston	35861	Michael R. Dzwonczyk	36787		
Donald J. Bird	25323	Timothy J. Klima	34852	W. Patrick Bengtsson	32458		
Peter W. Gowdey	25872	David A. Jakopin	32985	Jack S. Barufca	37087		
Dale S. Lazar	28872	Mark G. Paulson	30793	Adam R. Hesse	41635		

(1) INVENTOR'S SIGNATURE: Bettina Pfefferle Date: May 17th 2004

Bettina		MÖCKEL	
First	Middle Initial	Family Name	
Residence	Düsseldorf	GERMANY	GERMANY
City		State/Foreign Country	Country of Citizenship
Mailing Address	Bennederstrasse 35, D-40597 Düsseldorf, GERMANY		
(include Zip Code)			

(2) INVENTOR'S SIGNATURE:	Walter PFEFFERLE		
First	Middle Initial	Family Name	
Residence	Halle	GERMANY	GERMANY
City		State/Foreign Country	Country of Citizenship
Mailing Address	Jahnstrasse 33, D-33790 Halle, GERMANY		
(include Zip Code)			

"X" box FOR ADDITIONAL INVENTORS, and proceed on the attached page to list each additional inventor.

See additional foreign priorities on attached page (incorporated herein by reference).

Atty. Dkt. No. PM274441
(M#)

28-MAR-2004 13:38 DEGLUSSA PATENTE
FOR UTILITY/DESIGN
CIP/PCT NATIONAL/PLANT
ORIGINAL/SUBSTITUTE/SUPPLEMENTAL
DECLARATIONS

RULE 63 (37 C.F.R. 1.63)
DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PM & S
FORM

As a below named Inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole Inventor (if only one name is listed below) or an original, first and joint Inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the INVENTION ENTITLED
NOVEL NUCLEOTIDE SEQUENCES ENCODING THE PFKA GENE

the specification of which (CHECK applicable BOXES)
 BOX(ES) → A. is attached hereto.
 → B. was filed on November 20, 2000 as U.S. Application No. 09/715,035
 → C. was filed as PCT International Application No. PCT/ / on
 and (if applicable to U.S. or PCT application) was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. Except as noted below, I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(e) of any PCT International Application which designated at least one other country than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International Application, filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application:

<u>PRIOR FOREIGN APPLICATION(S)</u>		<u>Date First Filed— open or Published</u>	<u>Date Patented or Granted</u>	<u>Priority NOT Claimed</u>
Number	Country			
199 56 133.8	GERMANY	23 November 1993		
100 11 922.0	GERMANY	11 March 2000		

If more prior foreign applications, X box at bottom and continue on attached page.

Except as noted below, I hereby claim domestic priority benefit under 35 U.S.C. 119(e) or 120 and/or 365(c) of the indicated United States applications listed below and PCT International applications listed above or below and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of each such prior application and the national or PCT International filing date of this application:

<u>PRIOR U.S. PROVISIONAL, NONPROVISIONAL AND/OR PCT APPLICATION(S)</u>		<u>Status</u>	<u>Priority NOT Claimed</u>
<u>Application No. (series code/serial no.)</u>	<u>Day/MONTH/Year Filed</u>		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint Pillsbury Madison & Sutro LLP, Intellectual Property Group, 1100 New York Avenue, N.W., Ninth Floor, East Tower, Washington, D.C. 20005-3915, telephone number (202) 851-3000 (to whom all communications are to be directed), and the below-named persons (or the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to delete names/numbers below of persons no longer with their firm and to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization who/which first consented this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct the above firm and/or a below attorney in writing to the contrary.

Paul N. Kokals	18773	Paul E. White, Jr.	32041	Stephen C. Glazier	31361	William P. Atkins	38821
Raymond F. Lippitt	17519	Glenn J. Perry	28458	Ruth N. Morduch	31044	Paul L. Sharer	36004
G. Lloyd Knight	17698	Kendrew H. Colton	30368	Richard H. Zelten	27248	Robin L. Teskin	35030
Kevin E. Joyce	20508	G. Paul Edgett	24238	Roger R. Wiles	31204		
George M. Shultz	18221	Lynn E. Eccleston	35861	Michael R. Dwonczyk	36787		
Donald J. Bird	25323	Timothy J. Klima	34852	W. Patrick Bengtsson	32458		
Peter W. Gowday	25872	David A. Jakopin	32995	Jack S. Barukta	37087		
Dale S. Lazar	28872	Mark G. Paulson	30793	Adam R. Hess	41835		

(1) INVENTOR'S SIGNATURE:

Date:

Bedina	MOCKEL	
Residence	First	Middle Initial
Düsseldorf	GERMANY	
Mailing Address	City	State/Foreign Country
(Include Zip Code)	Bennodesstrasse 35, D-40587 Düsseldorf, GERMANY	

(2) INVENTOR'S SIGNATURE:

Date: X 05/10/2004

Walter	PFEFFERLE	
Residence	First	Middle Initial
Halle	GERMANY	
Mailing Address	City	State/Foreign Country
(Include Zip Code)	Jahnstrasse 33, D-39790 Halle, GERMANY	

FOR ADDITIONAL INVENTORS, and proceed on the attached page to list each additional Inventor.

See additional foreign priorities on attached page (incorporated herein by reference).

Atty. Dkt. No. PM274441

(M#)